

## **BOARD OF DESIGN REVIEW MINUTES**

**January 13, 2000**

**CALL TO ORDER:** Chairman David Williams called the meeting order at 6:38 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

**ROLL CALL:** Present were Chairman David Williams; Board Members Walter Lemon III, Monty Edberg, Stewart Straus, Annissa Crane. Renee Cannon and Hal Beighley were excused.

Staff was represented by Associate Planner Colin Cooper, Senior Planner John Osterberg, and Recorder Cheryl Gonzales.

Chairman Williams read the format for the meeting and asked for any non-agenda items. Seeing none he asked if there were any ex parte contact, conflict of interest, or disqualifications in any of the hearings on the agenda.

New Member Monty Edberg stated that for the City Park Expansion, he was a past employee of the civil engineer for that project. However, he did not work on it and did not have cause for any bias either way in this regard.

Chairman Williams asked if anyone wished to challenge the right of any member to participate in these hearings. There was no response. He then asked for a continuance to a later date.

### **CONTINUANCE**

#### **A. BDR99-00190 JACK-IN-THE-BOX RESTAURANT**

Request for Design Review approval for a proposed restaurant on 15915 SW Regatta Lane. The applicant proposes an approximately 2,870 square foot, 68 seat, quick-service, dine-in, drive-through restaurant within an Office Commercial District. The site is within the Office Commercial (OC) zone, and is 1.15 acres in size. Map 1S1-15BA, Tax Lot 1401.

John Osterberg responded that the applicant had requested a continuance of that project to a future hearing date of February 24, 2000.

Mr. Straus MOVED and Mr. Lemon SECONDED a motion to continue BDR99-00190 to February 24, 2000.

The question was called, the motion CARRIED unanimously.

Chairman Williams explained that the next agenda item would be taken out of order. It was TPP99-00010 - City Park Expansion and BDR99-00218 - City Park Expansion.

## **NEW BUSINESS**

### **D. TPP99-00010 - CITY PARK EXPANSION**

Request for Tree Preservation Plan approval to evaluate the impact to existing trees as a result of the expansion and improvement of City Park, located on the blocks bounded by Hall on the east, Watson Avenue on the west, SW 4<sup>th</sup> Street on the north, and SW 5<sup>th</sup> Street on the south. The City does not propose the removal of any trees in the park. The site is within the R-1 and TC zone, and is approximately 2 acres in size. Map 1S1-16AD, Tax lot 9100; and Map 1S1-15BC, Tax lot 9200.

John Osterberg, Senior Planner presented the Staff Report consisting of two separate applications -- the tree preservation plan and the park expansion. The tree preservation plan for the City Park covers only the existing City Park and does not include the proposed park expansion block. He indicated which site it covered, and some portions of the materials with references to statements indicating no trees were planned for removal. However, the arborist did recommend for removal a small ornamental crab apple that is being shaded out by the Ponderosa pine tree canopy, causing stunted growth. The finding was for removal of tree 1797 on page 10, tree preservation Staff Report, criteria 2. Staff had reviewed the development, and the improvements planned for City Park and had made findings that the types of construction techniques to be used would be such that no tree would be damaged to any degree to warrant its removal. Some tree root zones would have some impact, although he reported the impact would be minimal, with some of the grading only at the very surface of the root zone. Some of the improvements occurring around tree root zones would have a sand base, two layer paver stones or blocks, with no deep excavation. Noting that these were appropriate improvements around the root zones, Staff recommended approval of the tree preservation plan.

Mr. Lemon asked why there was a tree preservation plan for the project if it was not a significant grove. Mr. Osterberg answered that it was a designated significant grove and the tree inventory for the City indicates that the grove was the grouping of Ponderosa pines on this block.

Mr. Lemon questioned the necessity of the preservation plan. Mr. Osterberg stated that even though none of the Ponderosas needed to be removed, construction work in and around the tree root zone would impact some of those Ponderosa pines.

## **APPLICANT**

**DAVID SHELMAN** Architect with Thomas Hacker and Associates, stated he was the project manager as he had been for the other pieces of the overall development. Their goal

in developing the park was to recognize the existing park as historic and improvise ways to incorporate it into the overall scheme of the expansion. He showed the grove end of the park and the historic end, emphasizing their intent of preserving as many of the trees as possible. He emphasized that no pine trees will be removed, there will be no paved paths through the grove itself and they had actually removed an existing path.

Chairman Williams asked if there were further items from staff. Being none, he would requested a motion for the tree preservation plan.

Mr. Lemon MOVED, Mr. Straus SECONDED for approval of TPP99-00010, Tree Preservation Plan, based upon the testimony, reports and exhibits presented at the public hearing on the matter and upon the background facts and findings and conclusions found in the Staff Report dated January 13, 2000, including conditions 1 through 2.

The question was called, motion CARRIED unanimously.

E. **BDR99-00218 - CITY PARK EXPANSION**

Request for Design Review approval to expand and improve City Park, located on the blocks bounded by Hall on the east, Watson Avenue on the west, SW 4<sup>th</sup> Street on the north, and SW 5<sup>th</sup> Street on the south. The proposal is to replace the restrooms, revamp the play areas, partially close and limit access to SW Washington Avenue between SW 4<sup>th</sup> and SW 5<sup>th</sup> Streets, install a fountain, and modify the existing landscaping. The site is within the R-1 and TC zone, and is approximately 2 acres in size. Map 1S1-16AD, Tax lot 9100; and Map 1S1-15BC, Tax lot 9200.

Mr. Osterberg presented the Staff Report for this application for the type 3 design review covering both blocks -- the block subject to the tree preservation plan, the expansion block, and the public right-of-way in between. Indicating the area subject to review on the map, he updated the Board on the decision made the night before by the Planning Commission. They had approved the conditional use permit, allowing the Board of Design Review to take action on the design review and the tree preservation plan. They had also approved the conditional use permit, involving both blocks and including the partial closure of Washington Avenue. Although they made no change to the park design, they had approved an amendment, adding a condition of approval requiring a signalized mid-block pedestrian crosswalk across Hall Boulevard between Fifth and Third Streets, to be constructed prior to occupancy of the library. An additional condition that requires monitoring of traffic issues in that area, primarily on Hall Boulevard. He noted that they had discussed other possible future improvement or signalization that could assist with pedestrian and vehicle safety and pointed these out on the exhibit. The Commission requires that a pedestrian controlled signal be located approximately 180 feet north of Fifth Street. Noting that this was the main amendment to the park plan, he observed that the issue of whether it should be there or not had been made the night before and that the Board's objective is to consider the entire project, including the pedestrian crosswalk, under the design review standards. In the

memorandum, staff recommended that the Board leave any detail design of the crosswalk and signal operation to the City Traffic Engineer. Staff would recommend that if the Board wanted to discuss the appearance of the crosswalk, the City would be interested in their direction, although Staff recommended they not make any specific conditions with regard to its appearance because they had to make sure it met the engineering design manual standards. The staff has reviewed the design review application and has found that it met the design review criteria. There were conditions of approval, one of which adopted the Facilities Review conditions, which were primarily technical, and necessary to ensure that the project would meet all City development code standards and municipal code standards. Staff recommended that the Board approve the City Park expansion project and 15 conditions of approval.

Mr. Straus stated that the last application which dealt with the parking lot to the north of this site, the issue of the crosswalk between the two portions of this project had been discussed, but he did not recall specifically whether they had recommendations or a general request. He thought the discussion at that time was such that the crosswalk should be developed as an extension of the on site nonpublic right-of-way, pedestrian ways that were on either side of Hall Boulevard. Mr. Osterberg had stated that they were not in a position to address what the design of the crosswalk might be, although it was appropriate for them to discuss paving materials to maintain the overall site concept and design.

Mr. Osterberg said that what he had described earlier was according to Mr. Wooley's request, adding that Mr. Straus was correct in stating that it was under the Board's purview to review the design of the entire project. For instance, a question was raised at the Commission meeting concerning an improvement within the right-of-way at Hall Boulevard. They considered having different materials or surfaces indicating a crosswalk or an appropriate place to cross. The Commission did not provide specific direction except that it would be reviewed by the Traffic Engineer. There was a concern that certain types of materials may not meet pavement standards and that certain types of materials might be too noisy when vehicles crossed them. Again it was requested that the Board not make any requirement about what the material type should be, but that they make a recommendation urging that a certain type of material or treatment be investigated or reviewed for possible use and then forwarded to the Traffic Engineer.

Mr. Straus asked if they could require the crosswalk design be returned to the Board for review, stating that with all due respect to Traffic Engineers everywhere, he was not willing to allow them to design the crosswalk to fit into the pattern of what was going on. He felt the architect for the project should take responsibility for the crosswalk design so as to fit the general character of the overall project, adding that he should be able to work with the City Traffic Engineer to achieve that result. Summarily, if they were not going to be able to be specific, he wanted to have the opportunity for crosswalk design to be presented back to them, at some later date, just like any other design issue would be.

Mr. Osterberg said that the Board could not make a finding that a certain part of the design could simply wait until later to be approved, noting that the advice from the City Attorney in the past has been that the Board should continue the project. Mr. Straus stated he understood that, but that the applicant had not been given the opportunity to design this, and it made very little sense to continue the project until this was done. He asked if it could be dealt with as a separate project since it was in the public right-of-way, not private property.

Mr. Osterberg observed that the applicant and the architect for the project are both present and together they could provide some insight as to what the design considerations might be. Unfortunately, since the City Attorney was not there, and he could only repeat that the Board should not take a section out of the project for review at a later time. He said they could return on an informal basis to update the Board on an ongoing design and receive the Board's general input.

Mr. Straus questioned the possibility of stipulating any conditions and allowing the City Traffic Engineer to come back later and apprise them of its suitability, expressing his opinion that they were being asked to give the City Traffic Engineer design authority. They could not postpone the issue but essentially they did not have a design they are approving that evening, other than something the City Traffic Engineer was going to come up with, which he was not willing to do. If they could not put in a condition allowing it to be returned for design review, they certainly could not just release it to the world having allowed it to be designed by the City Traffic Engineer. He expressed concern with appearances, noting that they would have to come up with a set of requirements to allow it to come back through. Noting that it does not matter what the materials are, he recommended a condition providing for an appearance consistent with the remaining paving project. Noting that the architect could work with the City Traffic Engineer to achieve that, he stressed that they had to have at least that much to write into their conditions or they could end up with painted stripes on asphalt that would look completely out of place.

Mr. Osterberg expressed his agreement with Mr. Straus, noting that conditions of approval regarding the design of the crosswalk could be achieved by making recommendations to the City Traffic Engineer to provide guidelines on the types of materials or finishes utilized.

Mr. Straus commented that a recommendation would carry no weight.

Mr. Lemon said that what the BDR was reviewing that evening were the drawings submitted to them. He noted that they had the Staff Report documents but did not have the Planning Commission minutes from last evening, although they had a verbal update from staff on what was happening. In his opinion, any change or modifications to this document had to come back through the process. Expressing agreement with Mr. Straus, he expressed concern that it come back through a type 2 or 1 review, allowing for another review and avoiding inadequate development.

Mr. Osterberg agreed that this was a valid point; the packet of information and Staff Report indicated there would be no crosswalk, and this had been added the night before by the Planning Commission. He indicated that this issue could only be brought back before the Board in one of two ways. The Board could take action just on the information that was presented to them, and the crosswalk would then require design an administrative design review, at which time the applicant could return and receive direction from the Board. Another option is for the sidewalk to not be approved and requiring it to be submitted as a type 3.

Mr. Straus noted the condition that the City monitor the traffic impact for two years and making recommendations for improvements, and questioned whether this requires design review or whether it is entirely dependent on what their recommendations were and what was the basis for implementing those.

Mr. Osterberg replied that it was unknown right now what those things might be, or what changes might come about as a result of the Traffic Engineer's recommendation for improvement, although it was assumed that it would not require design review. These were more minor type things such as signalization timing or the placement of traffic signs or traffic restrictions, which would not trigger design review.

Mr. Straus commented that it would not substantially change what was built in the way of configuration of curbs or sidewalks, and Mr. Osterberg confirmed that right now that was not contemplated. These types of things were operational or functional changes in the public right-of-way.

Chairman Williams added that unless it were something as massive as tearing up a whole block, it would not be obvious, and Mr. Osterberg agreed.

Chairman Williams emphasized his preference to allowing the crosswalk to come back as a separate item, expressing concern that if they approved the project in its entirety, the City Traffic Engineer could come back and state that the crosswalk would not work with everything that had been built. After the fact is not an option. If they were to place a condition stating the crosswalk would be using the existing materials, pavers, bricks, different materials as a segregated material, as well as whatever reflectors the Traffic Engineer would deem critical, then they have put design into the system now. He noted that the options for getting it properly installed become more restricted at a later date.

Mr. Osterberg suggested that architect be given the opportunity to present the concept for how that crosswalk issue would be approached.

## **APPLICANT**

**LINDA ADLARD**, Chief of Staff for the City of Beaverton commented on the previous discussion, stressing the importance of the Board being aware that the City had requested the crosswalk. It was at the instigation of the Planning Commission, in spite of a traffic report indicating that it is not necessary, safety concerns had created the need to have the crosswalk there. She assured them that their recommendations were welcome, would be taken into consideration by their architect and the design would be compatible with what the Board believed was correct for this project. The traffic study that had been requested for the next two years actually was to assess the impact of traffic in the area for people who used the church, and would study the circulation between the parking lots on Hall and Watson. The focus is on the safety on Watson and people trying to use these streets to get out on to Watson, which had been represented as not particularly safe. She mentioned the need for another light in that area, which will be done as quickly as possible to ensure the safety of the public, noting that this project was on a very short time frame. The City had purchased an entire block and with it the opportunity for the City to have something that was a vital facility for the citizens. They were delighted they could make use of this, but it was also an opportunity to build something next to a very beautiful library which would allow them to have a gateway into the central business district, with a park on each side of Hall. She mentioned a proposal to do some street-scaping down Hall Boulevard in the older part of town and possibly across the tracks to the round. The end result would be the core of the expansion of downtown. She stressed that a great deal of thought had gone into the future of Beaverton, with careful attention to the design of the new library. There had been a lot of public involvement in this with neighborhood meetings, as the policies of Beaverton defined parks as vital public facilities. She emphasized the importance of enhancing any of the green that is available as the entire area redeveloped into what would be the core of downtown Beaverton. She discussed the concerns of the citizens who live in this area and the importance of considering their parking needs and preserving the quality of their lives, emphasizing many conflicting interests are involved in the entire project. Noting that the library is scheduled to be completed September 1, 2000, she stated that they would like very much to have the park done at that time as well. With the combination of the library and staging, trying to ensure planting seasons, they have a very tight schedule, the City would welcome any recommendations of the Board. Noting that it would be difficult to have this project deferred for another couple of weeks, she introduced David Shelman.

**DAVID SHELMAN** stated that they were pleased to have the opportunity to work with the City of Beaverton, on a premier library, as well as combining it with open space and the historic City Park. They had worked very hard, had been given very respectful leadership by the City to assure the project had a unified vision. Although they have encountered a number of challenges along the way, they had worked well with the City staff and engineers and they were pleased that there had been no competition or tension between them. He showed a picture of the model that had been put together at the end of schematic design when they knew pretty well what the building was going to look like, in order to help them understand the longer term vision for this area. In some ways the model was very different than the application, as it showed opportunities for future public buildings that might be

included in this area in association with the park, such as a future City Hall, performing center or other cultural features of the City. This is part of the overall long range vision, and they had developed the park in such a way that these developments could occur. They had presented the project the night before to a conventional use body primarily to address the decision on whether or not this was an appropriate use for this area and whether its features met the criteria for conditional use permit. Observing that it had been determined that it did, he stated that his focus now will be on the design elements of the park, adding that it is difficult to talk about this project without fitting it into the larger picture. He went on to note that the library would be supported by large parking lots on the east and west side, and the final piece of City Park expansion completes the overall scheme. When they established the plaza in front of the library, they thought of it first as open space serving as an entry to this part of the City, with the large, historic tree being the main feature, with a lawn area where people could relax, eat lunch, or read on a good day. The bond measure allowed them to develop additional parts of the project, and they followed the initial vision and carried some of the same themes through to the established grove of trees, more organic and not as formally ordered as the area in front of the library. There is a sense of polarity between the quiet end and the more active end of the City Park.

Commenting on the crosswalk at Hall, he mentioned the fact that the crossing did not appear in the packet and did not appear in the conditional use permit last night primarily reflects the struggle they have had along Hall, the west parking lot and the library. The Staff Report included Howard Stein's report and recommendation which had followed all the right rules of signaling intersections and distance between them and so forth. Through most of the hearings, they felt that probably the best solution was to reinforce the opportunities for people to cross at Third and Fifth and attempt to direct people to those locations. Further study of the dynamics of the situation determined that they could not deny the fact that they had introduced a fairly significant inertia in the project. This causes people, particularly in the west parking lot, to move to the middle of that block and try to take the shortest route to the entry to the library. Because they were not comfortable with only the corners, they had recommended location of the crossing at the mid-block point. It had not been designed but it was the recommendation of the design team, and they would need to work closely with the Traffic Engineer on their team and the City to make the whole system work. They were very committed to doing something that reinforced the design of the whole park and had worked hard on tying the three blocks together. They had found some methods that would reinforce the design of the project, and would clue the both the pedestrian and the cars into a change at that point.

**MAURICIO VILLAREAL**, with Walker Macy, Portland, stated that they had taken their clues from the first portion of the design, which was the open space in front of the library, adding that they wanted to continue the same pattern with paving, plantings and lightings. He mentioned their desire to save all the trees and that they had actually removed an existing path that crossed from one corner to the other. The circulation was established on the perimeter as a typical sidewalk with green lawn on three edges, and the main changes to



the park were the removal an existing bathroom structure close to Fourth and Washington and its relocation towards Watson Avenue. The condition of the existing bathroom was not good and they felt they could serve this three block open space best by locating it toward Watson. The existing play equipment was at Fourth and Watson, and the removal of the restroom created a better space for the existing play equipment, better utilizing the play area. They also relocated and enhanced the swing set opposite to it, taking advantage of open spaces that currently exist and installing new elements in those areas and without disturbing the existing trees in any way. He showed some pictures of the play yard, noting that they wanted to continue the open space on the other side of Hall Boulevard, the quality of it being a more passive, open green lawn. Moving toward the grove were the more active elements. That was why they felt that the construction of a water fountain that doubles as a play fountain would energize the place and become an asset for people who come and use the park. The concept of the fountain was that it was at grade, there were no elements that were vertical in any sense, so that the openness of the space would be preserved. Water would come from multiple locations, shooting up into the air, and would be controlled in different water patterns. Children and adults would be able to interact with the water, move through it, and the water would come and go. At the same time, it could be turned off and not interfere with any other uses. The tree pattern, which very clearly framed the green space in front of the library, was brought over on the other side of Hall Boulevard, with the intention of creating a gate into this area driving north through Hall. The proposed trees are 'Akebono' Cherry, with the light pink color flowering that should become a City attraction. The paving that they had proposed for the site will be reddish brick paver, which would be carried over on the other side, along with the wood furniture and tree grades. The materials for the fountain tie back to the library, which would have a granite welcoming carpet in front of it, and they would like to use the same material to surface the area around the fountain. The lights, which would make a very clear pattern and connection between the three blocks, would extend over Hall and continue from one end to the other. Paver materials, plantings and vertical elements would serve to coordinate this large development.

Mr. Shelman stated there was only one building at the far end of the park, a new toilet facility to replace the existing one. He showed elevations of that building, which is a very simple brick and ground face concrete block material. The brick and concrete material were used on the library site as well. The board he was showing included a precast element they had actually deleted as a cost saving measure as they approached bid time, cutting back on some parts of it. There were some beams that were going to be precast and also some aluminum windows in the building that would be within the brick area. He presented a gray swatch that represents the color of exposed steel at the entries of both sides of the small building. The enclosed area is about 500 square feet with a canopy area that stretches to either side and covers an area that was about equal to the building itself. He commented about the handout, noting that since the initial application, several changes had been made in the scheme. Since the Board was the only one to note the changes, some of them had occurred because of the facilities and recommendations of that review. They had removed planter curbs from the block at the end and added some curbs that surrounded the hedges at

the Watson Street end of the park. There were some benches associated with the toilet rooms and some extra path width had been reduced. The concrete patio area by the new play swing area and the area around the fountain paving had also been reduced. They had deleted some tree grades along the edge of the park that separated it from the west parking lot and increased the grass panels in that area. They eliminated the curb extensions on the corner of Fourth and Washington and changed the radius of the corner there to meet the City guidelines. They eliminated the curb extension on Fifth so there would be no interference with the profile for that tree designation, and they had removed some grass areas that were inserted into the paving area that was covering the Washington right-of-way. They had shifted the fountain to the east of that original application, just far enough to ensure access for utilities.

Expressing concern with the safety of her 2-year-old child, Ms. Crane questioned whether the swing area could be located closer to the inside of the park.

Mr. Shelman said that as part of the move to preserving the trees, the general design approach was to locate these activities near paths that they could create on the perimeter of the grove rather than paths through the grove. The positioning was off those paths which was a fairly significant distance from the street. Other landscaping should alleviate the safety concerns Ms. Crane had expressed.

Mr. Villareal stated he had a five-year-old and was concerned about those issues as well, so the green band along the curb was a 7-foot wide area. There was a 6-foot sidewalk and eight feet of pavement where benches have been located. The purpose of the benches and picnic tables were to serve as a boundary between the sidewalk, the ground and the street with the thought that as a parent or a person looking after the child would probably sit in those places looking toward the play area.

Mr. Lemon asked about what was planned for the safety surface -- a solid rubber pad, wood chips, shaved rubber. Mr. Villareal informed him that it was wood chips. Mr. Lemon asked about site luminaires, noting that he assumed it would be the same as what was at the library. It showed aluminum cast tapered, the anchoring system underground with the light fixture attached to the top. They have a pole mounted fixture and he was having a hard time visualizing what it looked like. In the packet it was called M3. A couple of fixtures, wall sconces, were mounted on the face of the building. He wanted to know which fixture was mounted to the pole, whether it was M2P. Mr. Villareal replied that they did not have a picture of it, but it would be the same shape as the M3 wall sconce, noting that it was previously approved for this site of park.

Mr. Lemon asked if there was only one fixture. Mr. Villareal stated that there were two fixtures on either side of the pole.

Mr. Lemon asked if the restrooms were locked down at night and whether they were planning on putting secure fixtures in? Mr. Shelman said that all the fixtures were low maintenance. There were two answers to the operations. The hardware for the toilets have an electronic feature that allow the City to provide a timed sequence to when the doors were closed and when they are not. There is also a feature providing a way for a person to get out if they were to go off at the wrong time. The toilets are stainless steel fixtures, designed for tough use.

Chairman Williams said that they were fortunate not to have the vandalism problems that Portland did, but questioned the piers that hold up the restrooms, emphasizing the nice flat, square, clean gray surfaces for someone to spray. Mr. Shelman said they would provide a sealer so that they could clean the material. In a building where moisture penetration would be a problem, that would provide water proofing. He also recommended applying a graffiti resistant coating -- a sacrificial coating that allows for removal of graffiti and recoating.

Mr. Straus asked if they had given any thought on crosswalk specifics. Mr. Shelman deferred to Howard Stein, Engineer.

**HOWARD STEIN**, 8196 SW Hall Boulevard, Ste. 308, Beaverton 90008, stated he was a Registered Professional Engineer in the States of Oregon and Washington. At the meeting had been quite a bit of discussion regarding some aspects of the crosswalk. Some of this concerned having some identifying feature or some type of surface treatment to tie it in so it would maintain the character of the whole park and library as well as identify it as being a special area for crosswalks. There were concerns of traffic movements that would occur, for example a west bound vehicle on Fifth turning right on red, that could become problematic. There was a lot of discussion about what could happen, how lights could be very carefully timed so that drivers would not have to see two sets of yellows and reds. There was also some talk of putting the crosswalk a little further to the northern end of the area to provide enough space for stopping in time. He said there were a number of technicalities that would have to be worked out to implement this, as well as concerns about making it fit well into the design.

Mr. Shelman mentioned that in terms of the goals they have from a design standpoint, both serve the functional needs and also the aesthetic needs of the project. They wanted the crossing to be noticeable to the cars and so that the pedestrian who was moving from the library to cross the street or vice versa would know that they are coming to a change, alerting them that they needed to be more cautious. They had considered a change to concrete material which would be dimensioned and proportioned to fit in with the paths in the design and which would be low maintenance over time for the City. They would not have to be continually re-striping, but it would be a change in material for both cars and people. He observed that putting pavers across may not be the best message for pedestrians.

Mr. Villareal said that they were currently crossing on Tucker, between the library and the east parking lot.

Chairman Williams opened the hearing to public testimony.

**PUBLIC TESTIMONY:**

**PAUL VON BERGEN** 10700 SW Beaverton Hillsdale Hwy, Ste. 326, representing the Beaverton Farmer's Market, noted that they would be located in the western parking lot on Saturday mornings. He expressed support of the design, which he thought would be fabulous, bringing a lot of people into the downtown area. Observing that last year they were located on Washington Street, he noted that many of their customers used that park, and to be able to expand it and tie it together made it a good opportunity for the City to take advantage on what looked like a wonderful project.

**BRUCE NICHOLS** 12225 SW 9th, Beaverton, OR, stated that reading from the agenda on this particular item indicated a request for design review approval to expand and improve City Park, with mention of the location of restrooms, etc. His concern is with partially closing and limiting access to SW Washington Avenue. The discussion of this particular item mentioned trying to accommodate the residents of the area, one of which is the Beaverton United Methodist Church, of which he is a member. Noting that the church had been at that location for 115 years, he referred to exhibit 7 of the Staff Report, which was an objection to the so-called partial closure and limited access to SW Washington Avenue between SW 4<sup>th</sup> and 5<sup>th</sup> Streets. He read what it said, about the church opposing the partial closure of Washington Street and discussed the reduction in ease of access and egress to the church during the entire week. He believed that Washington was not a high traffic street, it was a question of ease of access. The question of safety of getting across Washington was not the same as getting across Hall. He did not see a serious problem in terms of safety in leaving that street open. He noted that partial closure actually meant complete closure to ordinary automobiles going to the church and suggested the Board amend the proposal to delete the closing and limit access to SW Washington between 4<sup>th</sup> and 5<sup>th</sup> Streets.

Mr. Lemon stated that he noticed in the Staff Report that a member the church had attended the citizens review meeting, a question and answer meeting that was held with the City in November. From Mr. Nichols comments and those of the Board of the church, it appeared they were not exactly happy with the responses they got at that meeting. He questioned if they were still opposed even though they had been offered the library parking lot.

Mr. Nichols stated that access and egress, not parking, is the issue, and expressed opposition to the closure of Washington between 4<sup>th</sup> and 5<sup>th</sup> Streets.

**JACK FRANKLIN** 5025 SW Fairmount Dr., Beaverton, OR, 97005, introduced himself as the present chair of the Central Beaverton Neighborhood Association Committee and

read their statement. It mentioned the opposition to the closure of Washington Street due to traffic safety issues, and that Hall Boulevard was more a safety issue due to the library. He spoke of short-range planning, and looking at long-range consequences, noting that he had attached to the statement a copy of the December meeting minutes. He felt that the parking lot would add more traffic, and circulation around the parking lot would be limited to getting there on Hall and the only way to get to the church would be Hall Boulevard, creating more traffic and increasing danger in the crosswalk.

Chairman Williams asked Mr. Franklin why members used Washington and was informed that if they didn't use Washington, they would have to go an additional block to Hall. Chairman Williams clarified that if anyone were coming from any distance at all, they would be using the major streets any way. Mr. Franklin pointed out on a map all the additional blocks that people would have to travel to get to the church.

Chairman Williams stated that if one were coming from the west along Fifth why would they not cut down the street prior to Watson and eliminate detours. Mr. Franklin said that Angel Street was a residential street not meant to take that kind of traffic volume. Chairman Williams asked if Washington was, and Mr. Franklin said that in his opinion, Washington was better suited for this than Angel Street because of the absence of housing.

**GARY MILLION** 12375 SW 7th, Beaverton, OR, 97005, discussed the restroom facilities, specifically that if the building were 500 square feet, 250 square feet on each side, does not provide a very big unit. With various activities going on at the park, lots of kids playing in the pond, getting dirty, wanting to wash off, clean up, whatever, he wondered if it were big enough, and if not, could it be enlarged in the future.

Linda Adlard responded that the toilet facility had been designed originally with two toilets on each side. Because of the request from the Farmer's Market, they actually were building it with three on each side, which they believed was well oversized at this point. Certainly, 10 to 15 years from now, it may need an addition but for right now it was well oversized for the anticipated use. They heard last evening about access to the church, and while sympathetic, they understood that when there was change, there was always certainly some inconvenience. One of the hard things of balancing today with the future was that they must be visionary. Fortunately, this City looked toward the future when they voted for the library, and it is expected that they will carry through with the futuristic thought process. So, while empathetic with those who travel on Washington and that there would be 14 less parking spaces, the City recognizes the need to balance today with the needs and desires of the future. They are creating beautiful gateway into the central business district and have worked out the safety issues they believe were there for the children playing in the old City Park. Part of the issue with the Planning Commission and the traffic study was related to people and their safely crossing Watson, and their ability to particularly safely go out on to Watson from 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Streets. In a very short time, possibly within two years, they would be looking at the need for another light on one of those streets on to Watson to assist

people and the traffic from the church. The sky bridge suggested at the neighborhood meeting had been considered. The design of the library was completed a couple of years ago but had to be postponed, due to parking, and now they have the park. In order to redesign the library and take the programmatic functions of what their City needed in a library and redo those was an enormous expense. The ADA needs had brought up and there may have been a need for elevators on each side. A study had revealed some people, if required to climb 14 stairs to go over a sky bridge for a very short distance across a narrow street, would not use it, so the City rejected that proposal. If they were doing this again, maybe five years in the past, perhaps it would have been a consideration. As to increases in traffic, certainly there would be, and they had planned for this in the parking and access to the library. The block that they had purchased for the parking lot used to have businesses which at one time had a good deal of business clients coming and going, so the traffic report reflected there would not be a significant increase in traffic on that block. The parking lot in and out, that had already been determined. While sensitive to these issues, the City realizes they can't always please everyone concerned, but they hope they had the majority of the citizen's goodwill and that the facility will enrich the quality of their lives.

Mr. Shelman mentioned concern with the impact on traffic when the library opened, noting that his office is involved in the design of 24 different library projects, each one of which is replacing a deficient facility. Although there will be some increase, in general these libraries are way over due for expansion. Beaverton was an extremely well used library, and the expected result was an increase. The new building would attract some individuals who are not currently utilizing the library, but after the first surge, the increase would be relatively small compared to those using the library now. He requested that if the Board were to make conditions that they want to make part of the decision, they state them in as flexible terms as possible to achieve the goals that the Board wants, and allow the design team to solve those problems. He stressed the importance of remaining on schedule because of the need to have the project completed by the time the library opened.

There being no further members of the public in the audience to address this application, this portion of the hearing was closed.

Mr. Lemon asked Mr. Stein about the traffic report done in November with regard to the closing of Washington between 4<sup>th</sup> and 5<sup>th</sup> Streets. He noted that the last sentence of the last paragraph on the last page stated the rerouting of traffic due to the partial closure of Washington would not have a significant impact on traffic operations throughout the study area. Considering the time factor, he wanted Mr. Stein to explain the tables.

Mr. Stein explained that Washington Street was not a heavily traveled street. Most were activities that occurred at the church, Sunday services and weekdays related to the school and day care. Observing that one of the main functions Washington served was a cut through route, he explained the different ways to go in the traffic study. The most vehicles he counted was 50 vehicles in one hour, less than a vehicle a minute. Based on a typical

scenario as well as a worst case scenario, he stated that the intersections provided acceptable levels of service to the library with the closure of Washington.

Mr. Lemon asked with regard to the modifications, noting that they were only approving what was on the drawings now and any modifications would go back through staff as a type 1, type 2 and only very rarely would it come back to the Board as a type 3.

Mr. Lemon MOVED and Mr. Straus SECONDED a motion of approval of BDR99-00218, City Park Expansion, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background, facts, findings and conclusions found in the Staff Report dated January 13, 2000 including conditions 1 through 15 with the following additional conditions and modifications:

Condition 16: The exterior of the restroom building shall be coated with an anti-graffiti coating.

Condition 17: Any modifications to the project (that is landscape layout materials, paver material, off site improvements, building materials, etc.) shall be returned to the BDR for a type 3 review.

Mr. Straus stated that he presumed the motion was worded that way so that they would be obligated to bring the crosswalk back, but he wondered if the wording should be more specific to refer to that particular item so that it is a known change in design.

Chairman Williams replied that it meant that anything that is typically handled by staff now had to come back through the Board, as a type 3 and could be brought back as a single item.

Mr. Osterberg agreed with Mr. Williams and stated that if the Board's intent was to focus on the crosswalk on Hall then why not limit it to the crosswalk. If the Board felt they could not include the crosswalk in their approval, then he would certainly limit it to the crosswalk and not other things.

Mr. Straus said that his intent was to not have it come back to where the Board was focusing or forcing the applicant to come back on a single item. If the Board felt it was okay and they were not leaving themselves out there somewhere that says they were picking on a particular portion, he had no problem in limiting it to the words "crosswalk on Hall Boulevard connecting the two projects together".

Chairman Williams said he did not have a problem limiting a condition to the crosswalk or with crafting language to cover the crosswalk, such that if the crosswalk did in fact use materials from the existing project and was compatible in design with the crosswalk design on Tucker Avenue. He wanted to allow leeway to deal with those issues of making it compatible, and give them the flexibility they would need.

Mr. Lemon asked to reword the motion, condition 17 to read: "The crosswalk on Hall shall be constructed of material consistent with the Beaverton Library and park expansion hardscape material." Mr. Straus agreed with the rewording of condition 17.

The question was called, the motion CARRIED unanimously.

An intermission was taken at 8:45 p.m.

The meeting reconvened at 8:52 p.m.

**B. VAR99-00019 - MENDENHALL TOWNHOMES**

Request for Variance approval for a proposed three floor, 22 unit, attached single family townhouse development located between SW Hall Boulevard and SW Tucker Avenue, south of SW 5<sup>th</sup> Avenue. The variance has been requested to reduce the required front yard setback along the southerly units abutting SW Tucker Avenue. The site is within the R1 zone. The site is located at 5125 SW Tucker Street and 5150 SW Hall Boulevard, and is approximately .64 and .19 acres in size. Map 1S1-15CB, Tax Lots 3300 & 3400.

**C. BDR99-00153 - MENDENHALL TOWNHOMES**

Request for Design Review approval for a proposed three floor, 22 unit, attached single family townhouse development located between SW Hall Boulevard and SW Tucker Avenue, south of SW 5<sup>th</sup> Avenue. The proposal includes a shared driveway, common areas, and water quality/detention facility. The site is within the R1 zone. The site is located at 5125 SW Tucker Street and 5150 SW Hall Boulevard, and is approximately .64 and .19 acres in size. Map 1S1-15CB, Tax Lots 3300 and 3400.

Colin Cooper, Associate Planner presented the Staff Report for the request for design review approval for 22 attached multifamily dwellings and for a regular variance to the required 20 foot front yard set back. The zoning for this site was urban high density R1. The site was surrounded to the north by urban, high density residential, and the development to the north was the City of Beaverton's Community Center. It was noted that the fourplex on the site plan had been purchased by the City with the intent to expand the parking lot for the existing community center. To the east of the site was the standard density residential R5, to the west, across Hall Boulevard was zoned high density R1, and had single family homes, and to the south was R5, urban standard density where seven homes abutted the project site.

Mr. Cooper began with the variance for an approximately 55 foot section of the Tucker Street frontage which staff considered now to be an excess right-of-way dedication. The applicant was asking for a variance to the property set back. This would not be visually noticeable because from the back of the sidewalk to the building face, would be a minimum of 20 feet and as much as 25 feet for the building in question that fronted that area where the excess right-of-way was located. The variance has been applied for, rather than a street



vacation which was also another way to have approached this issue. The new transportation system plan adopted October 15, 1999 has classified this street as an L3 which was just a local street, and the right-of-way was intended to be 44 feet as indicated in the Staff Report.

It does affect the design of the rest of the site. With regard to the design of the site, the site is R1 and as of last year, the zoning code requires the applicant to achieve at a minimum 80% density of the underlying zone. R1 means that 21 units have to be built. The applicant is proposing 22 so there was not a lot of difference there, the difficulty being that this is a very long, narrow piece of property, abutting single family detached residential dwellings south of the property, creating a number of challenges. The applicant needed something that would meet the minimum density, and be sensitive to the property to the south. The design of the building was critical, and the original design was much less attractive than the one proposed now. Staff indicated the original design was not something that staff could support, and the applicant has since retained a new architect and now have a design with much greater texture, articulation and a much more attractive addition to the community, far more sensitive to the southern neighbors. The other critical design element was landscaping. Staff was recommending approval of the application but with several conditions, four of which relate to landscape. The applicant has already made the changes that staff had requested. Staff had recommended a continuous evergreen hedge along the southern and northern property lines, the southern property line being the one staff and applicant were concerned with. They made that change, and in addition, added two pear trees in each back yard. His only comment was that the Board might wish to make a pattern of alternating trees. Originally the applicant proposed Hawthorne, which would also be an appropriate deciduous tree, and rather than just running a straight line of pears they may want to do three back yards pear, three back yards Hawthorne. The staff has heard from several nearby residents who were very concerned about the mass of the structure, but there are not a lot of alternatives. One alternative was that they could move the buildings more to the southern property line, however, this would force them to increase the height and this would result in a large mass again. Mr. Cooper felt condition 27 was awkwardly written. To clarify, he stated that staff wanted to provide additional texture on the southern elevation of the building that abuts the southern property line. On the northern side of the building to shingle under the gable the portion of the roof triangular area as that would be sympathetic to the adjacent community center. The applicant has told him that they would consider taking some of that shake siding into the interior of the elevation to create a pattern of alternating units. Staff recommended approval of those conditions.

Mr. Lemon wanted more clarification on condition 27. Mr. Cooper replied that units 1 through 11 shall include shingle siding under the gable for units X to Y.

Mr. Lemon expressed approval of the interior elevation and expressed concern with the south elevations of the south buildings. He wondered if they had discussed any "gingerbread" effect because that was the wall the single family homes were facing.

Mr. Cooper replied that they had discussed several options, though there had been no opportunity to connect prior to the hearing, noting the architect is available for suggestions.

## **APPLICANT**

**JOE STURDEVANT** 100 E 19<sup>th</sup>, #500, Vancouver, WA, 98663, introduced himself as being with Northwest Property Development, who had prepared the site design. He introduced Kevin Cooley, the architect, noting that the site was challenging because of the size, shape, relationship to surrounding properties, and the R1 zone standards. The R1 did allow 30 units up to 60 feet in height on the site, but they did not believe it would be good for this neighborhood. They felt that new ownership occupied living opportunities in the central part of the City would be better for the neighborhood. There were numerous amenities around the site, the community center, new library, schools, shops and stores. Because of new code 20.03 minimum density requirements, with the parking requirements and set back restrictions, they had no choice but to go with three story units. They had provided several design features to help soften the effect of the three story building. At the entrance to the project and at both street frontages, they were proposing a brick veneer wall that fit well with brick architecture in the community center and the church private school. They also proposed a large buffer landscaping with street trees with a 20 feet setback from the right-of-way, for properties to the north and south. There was a cedar fence already present for which they were proposing to put a hedge behind, and two canopy trees per lot along both lines to screen the building. To soften the buildings, the roof lines stagger the units and they've used bay windows. The wood arbors over the front entrances, the brick accents and the front balconies would add character to the interior of the project as they view it or enter from the public streets. They agree with staff's findings and conditions and have met the requirements.

Ms. Crane asked about the one color scheme for the front doors and wondered if they could vary the colors for the front doors. Mr. Cooley said they could certainly do that and they could try some different treatment on the doors. She asked about the garage doors, and Mr. Cooley said that the garage doors would be painted the same color as the doors, but was concerned that they would become too strong an element if they were alternating colors.

Mr. Cooley noted that one thing they had talked about doing with the owner that did not show up there was changing the top panel of the garage doors. He thought they may want to use glass lights to bring light into the garage, adding that there would be small windows.

Mr. Edberg asked how garbage service would be provided for the development, whether each single family unit would be responsible for their own pickup. Mr. Sturdevant answered yes, that was correct, with room in the units for trash and recycle bins and room in the front for their placement of that on pick-up days.

Mr. Edberg questioned adequate room for the trash truck to turn around. Mr. Sturdevant said that they were not allowed access to Hall, and they were providing a secondary fire access gate. The Fire code required a 150 foot access need for a turn around, so they could not get a circular road in there.

Mr. Straus asked about the possibility of using the doors for accent colors to vary between the units, and if there were any other features on the front of the units to use colored trims of some kind to create a more unique feel for each unit. Mr. Cooley responded he wanted the whole thing to tie together as a compositional unit, so he would be a little worried if they put in too many unique elements. Over each entryway they have an arbor, which helped to pull out the front door and in alternating units they had repeated the arbor look. In terms of color, he wanted to stick with the white color in keeping with the name of the project, although they were going add texture in the gables. They also discussed pulling that same element around on to the units that have an upper level deck, using the shingle and also the gable to unify the composition and bring the north and south elevations together. It would also match the community center design element and tie them together.

Mr. Straus commented that he felt the front alternating vinyl siding color worked nicely to break up the monotony of the single color, adding that he thought the rear elevations did not work as well because they did not do that. He wondered if there were some kind of feature on the rear of the building that would allow them to do the same. Mr. Cooley replied perhaps they could use a darker color, or use the darker color at the bay windows.

Mr. Straus felt that the first suggestion would have a better impact as far as the way it was perceived from the adjoining properties. The change in color on the bays may not be that visible for sufficient impact.

Mr. Edberg noted they had proposed to use a certain plant species in the swell and he assumed the intent was to have a no-mow type of facility. He commented that those worked pretty well unless they were not a drought resistant species. If it was not irrigated properly it would dry out and die. Mr. Sturdevant stated that that species was a recommendation from USA. They wanted to provide something that was attractive yet functional. They did not want kids playing in it, which was the purpose of the shrubs. They had the ability to irrigate but the CC&Rs were set up to provide that maintenance. It would be professionally landscaped and maintained to the required standards.

Mr. Lemon asked about accent colors on the south elevation, units 16, 17, 20 and 21 were the ones without bay windows and units 12, 13, and 14 had bay windows.

Ms. Crane and Mr. Straus discussed the darker color. Mr. Straus asked what was on the back side of the north building, and Mr. Cooley said they were not the same.

Mr. Straus said he was not as concerned about the north building as it did not face the single family homes. Mr. Cooley agreed that the darker color was a good solution to that.

Chairman Williams opened the hearing for public testimony.

**PUBLIC TESTIMONY:**

**ED BRUNK** 5075 SW Hall, Beaverton, OR, stated that his residence was right across the street from the old day care center, adding that progress is wonderful. He noted some of the disrepair in the properties up and down that area, noting that when someone comes in and revitalizes an area, it makes other people think about revitalizing what they have. He believed it would help the people of Beaverton up and down Hall Boulevard. Noting that the day care had presented a parking problem, he expressed his opinion that this addition would not create such a problem. The new library, new condos, new senior center and the church all involve good progress, and that was what the City needs.

**JOSEPH GONZALES** 5375 SW Hall Boulevard, OR, had five points of concern: the three story south version and the size of the trees being the first two. The trees were the size of the homes and it would be out of sync. He said that there were four people who live on his property of 7,000 square feet. This property was 30,000 square feet and would house about 60 people. Multiply 7,000 square feet you have between 13 and 16 people in the same area if they were homes; four times the amount of people; four times the amount of traffic, and parking on the street. He expressed concern with the parking. His main issue though was the letter from the School District 48, behind page 9 that stated in bold letters there was a significant negative impact on the elementary level capacity with the approval of the request. He explained that the City they is encouraging over populations for the school districts which impacted the limited budgets. He is not associated with the schools, but feels that this was too soon and too big, and he does not approve.

**GEARY MILLION** 12375 SW 7th St., Beaverton, OR, 97005, stated he was the second house from Hall Boulevard where there were six houses. He had the smallest piece of property on 7th Street. Due to the shape of the property and so forth, the proposed units 12, 13 and 14 would be only 35 feet from his bedroom window. He demonstrated what 35 feet looked like. The long unit on the north side would be close to 300 feet long. Mr. Cooley said it was close to that, 260 feet.

Mr. Million continued showing the bottom two pictures, an end view with only 24 feet wide between the two buildings. So there would be a trough almost 260 feet long, 24 feet wide, 5 of which would be a concrete walkway leaving only 19 feet to go back and forth, in and out. Garbage trucks would have to back out. He mentioned that by law beepers had to be on when backing up. That would be 200+ feet of beepers at 0-dark-30 in the morning. There were two parking spaces for each unit, and extra parking for each unit. The extra spaces were really extended driveways for three units. He seriously doubted they would be

available for guests of any other unit other than the people that were there. He mentioned the document from the Beaverton School District, and added there were no facilities for a playground of any sort. The only area was the section on Hall Boulevard next to the holding pond. It was not an enticing place for kids to play. When he got home that evening there were seven cars parked on the street that has six houses. On 5th Avenue at the other end of the block there is parking on either side of the street. On Hall Boulevard, without the day care center, there area few spots open but there still has to be egress for fire. If the people in the units parked on the other side of Hall, chances were they would run across the street rather than use the crosswalks. He has a one car garage and two cars. Many of his neighbors have two or three cars. He is just a single person. Where will the people park? Tucker has parking on one side of the street. What about the additional 60 some people. On Sundays he moves the car in his garage because there was no parking on the street. This building will be 36 feet tall, 10 feet off the back fence of his house. That was a lot of building to have 10 feet from his back fence. He felt it was incompatible with the neighborhood. Most of these were small homes, small lots with older style homes. This was out of character with this neighborhood. Between the height, the parking, the access for mail and garbage trucks, the number of people, the light blockage from buildings, the fact that they have a variant of vinyl siding for three stories, he hates to see this literally in his back yard. He did not feel it was the place for it. He quoted an article in the Oregonian about a similar development in the Lents neighborhood. It may be what Metro wants but Metro did not live where he lives. It may be legal and within constraints but it was not compatible with the neighborhood. Also would not do anything for property value for the houses along 7th Street. He felt there was a chance it would lower them. He was concerned that he may have to think about selling his house. Requesting the Board to consider all these things and not approve the project.

**KAY HALTERMAN** 12395 SW 7th, Beaverton, stated she owned a lot 6 on the corner. She concurred that when church events were going on parking was awful, adding that she can not have company because there is no parking. The garbage trucks have trouble coming in and out, and there is insufficient room to get around. She puts her recycle bin under the stop sign or they would not pick it up. How would they fit into this narrow alley to pick it up?. She questioned people going in and out to go to work, who would not be able to get around easily because the trash and recycle people would be there, creating a great deal of congestion. She had heard they would be putting trees and shrubs down. She has a partial fence, so does that mean they were going to take down her old fence to put up a new one; then go from her property line out to the street and there would be bushes to act as a barrier between the two? She was also concerned about having kids next to a busy street. A lot of kids go down to St. Cecilia's who have been very gracious to let the neighborhood kids play there, though the proposal would bring more kids. She stood out on the sidewalk trying to imagine what these would look like, noting that the building would be taller than the trees and she did not want to be living next to that. She did not like the narrow look, which resembles an alley. A two story would suit the property line better, and she could maybe deal with that, but not the three stories. She hoped the Board would consider the people

who live there, and ask themselves if they would they really like to look out their bedroom window to a three story building and hopefully not see somebody staring at them.

Chairman Williams stated that that was the last citizen card and asked the applicants to come forward.

### **APPLICANT REBUTTAL**

Mr. Sturdevant thanked the people for coming out and testifying, noting that he felt they were providing a good compromising project. He mentioned the challenge they all faced in this controversial issue, adding that it grew more complicated when there were two different zonings abutting each other. When big changes happen in old neighborhoods, it really effects those who have lived there a long time. He mentioned that the owner had owned that property for almost 30 years, so he was not some out of town developer. He addressed some of the issues. Mr. Gonzales and Mr. Million brought up the height and size of the structure, and he noted that the zoning itself, as he mentioned before, would allow a 60 foot height. This property was actually zoned for multifamily dwellings and apartments, and they were providing an owner occupied opportunity which he felt was a better product. It was a kind of transitioning between the old single family homes and the City. It was multi-family because there was no choice. They could not build to less density, nor could they go to two stories. He felt it was a good compromise, providing pride of ownership. There were no rentals, and he felt it would be a nice development. They had done everything possible to soften it and had design team professionals who had worked hard with City staff.

The people had concerns about density, although that was what the property was zoned for and they could not do anything about that. The schools cannot halt development. With regard to parking, they met the code requirements. He recognized that in any infill area, parking was always an issue. What exists now were four or five driveway drops, two on Tucker and two on Hall. They were removing all of them, having just one on Tucker, so there would be more street parking. He also mentioned the City's purchase of the fourplex to extend parking areas which would help the overspill. The target market for these homes were professionals, single people, empty nesters. If it did not fit their needs they wouldn't buy. He did not have traffic counts, but there would be more traffic generated with this. He mentioned that as this was an older neighborhood, there were mature plantings which already provided some natural screenings.

Mr. Cooley commented, that they had hoped to include a skylight in each unit, midway between ridge and eave, a 2 x 3 dome sky light.

Mr. Straus commented about the people who had testified who were on adjoining parcels. Both are located behind the smallest of the three buildings, which for some reason had been located on the site further south than the other buildings. He was curious why that was, and

Mr. Sturdevant answered that the existing parcel jutted south. One thing he did was open up the project a little bit on the interior of the project, maximizing the set back.

Mr. Straus stated that he must realize that by making that adjustment, as far as his project was concerned, it had created a fairly significant impact on the adjoining residents. Their lots were much smaller than the ones to the east and the houses, from what he could see on the maps, were much closer to the property line. It seemed to him it would be much more appropriate to maintain the spacing of the large buildings from them rather than providing it from each other. First of all, the space he was creating inside the complex was essentially useless. The comment was made about lack of open space available on the site, Mr. Straus felt it would be a much more appropriate use of the space available to shift the three units back with the other buildings and utilize the extra space on the south side of that as some kind of amenity for the complex outdoor space where it would do some good, the issue then became one of access. There was a bioswale along Hall Boulevard and unless there was some kind of a passageway to the back, there was no way of getting people to that space. He saw two possibilities. One would be to locate the bioswale to the south property line where the units have been moved. Then they could use the entire frontage along Hall for a people place and it would create a common parcel out of that back area for a way of getting to and between the buildings. He was not telling him that any one of those was particularly the best idea, but there were things about this that were very nice if it were on a larger piece of property. The buildings were nice, but as had been commented, basically they had an alley with buildings on it, although it was a transitional area. They are looking at requirements for density that is higher, but if they were going to create these kinds of developments in the City, they would have a higher obligation incumbent upon them to make them as good a neighbor as possible. They would also need to create amenities that would make up for what was given up in this higher density development. Mr. Straus felt there was an opportunity to modify this in a way that would address the neighbors' concerns and yield an amenity to the project that would be a lot more useful than six parking spaces.

Ms. Crane asked the condition of the fence at lot 6? Mr. Sturdevant stated that he did not know. The owner said it was not in good shape. The owner said that he had replaced a considerable length of that run with new fencing. Most likely they would just replace any debilitated places. He thought that that was a condition.

**DAVID MENDENHALL** 7486 SW Lakeside View, Wilsonville, OR 97070, introduced himself as the property owner and wanted to address several issues. Out of the six property owners to the south, two came tonight. The one on the corner of Hall and 7th, that particular house faces Hall. Their garage was closest to their end units, so Hall Boulevard was not looking into the project. They look to the east as far as their back yard, the front yard looked to the west. Also, on units 12 and 13 by and large, they have not maintained a 10 foot set back but a 20 foot set back. They have stayed away from those properties. He felt 14 would be more of a concern. The reason they set 12, 13 and 14 as they did to prevent a tube or barrack look. By setting it back they would widen out the property and give it more of an aesthetic look. With regard to the parking out front, they did not have parking in front of all of the units like 12, 13 and 14. But that was not public parking. There

would be a sign there saying that it was private parking for the residences only. They also have two parking spaces per unit. There was parking north of St. Cecilia available when the library was closed and often times you have Sundays. There has been real congestion there on Sundays with church .

Mr. Straus asked the owner if there were some type of written agreement with whomever owns that parking that would entitle him to use that parking and if he filed it with the City as part of their application. Mr. Mendenhall responded they had not asked for any parking other than what they had been asked to provide. Their demographics showed that in those types of projects, often there were single people with one car. Churchgoers did have access to library parking when it was closed.

Mr. Mendenhall mentioned the garbage trucks coming and backing out, that could be handled by the CC&Rs. He suggested using one side of the street, so there would need to be one pass only. He also said the street was 20 feet wide and they had a buffer between the street and the entry. The overlay was allowed for the sidewalk just to give some designation as to a foot traffic area from Hall to Tucker, but it was indeed part of the driveway so they had a full requirement there as far as the 20 feet.

Mr. Cooley stated that the homeowners to the south, while their buildings were tall, they would not cast a shadow. The landscaping growing in would lessen the impact. Three story buildings were not uncommon these days, this was a growing area. He did not think this would be the last three story building that came before the Board in this area.

Mr. Lemon asked Mr. Edberg about the water retention system and the possibility of relocating it underground in a retention pipe system.

Mr. Edberg replied that in this case, the engineer performed an analysis to look at pre-and post-development flow coming off the site and there was a negligible increase. That pond was providing a water quality system rather than retention. USA did not allow any facility, water quality or retention to be underground, and it had to be out in the open.

Chairman Williams stated he was looking at the drawing and checking out the possibility of moving only unit 14 by 5 to 10 feet and at how long the space was. There was about 20 feet for a parking space currently in front of that building. So other than using compact standards, if they were to go more than 5 feet, they would have lost that as a separate parking place. Moving that forward 5 or 10 feet did not make the tunnel any worse and did benefit the relationship to the south.

Mr. Cooley responded that one of the nice features about having 14 and 15 the way they do was that it allowed them to put windows in the east wall of 14 and the west wall of 15, making those units a little nicer. He asked if they were to bump 13 forward slightly, they be allowed to alternate the siding material on the back. He pointed out that they were already



20 feet off the south property lines.

Chairman Williams said that one of the site features of those three units, regardless of how many signs they put on Tucker, they were going to get people driving into the units, thinking it was a cut through. They would go in and find out they have to either turn around or back out. Mr. Straus commented he was surprised that there wasn't a requirement for a turnaround. Chairman Williams responded that as far as he knew, it was a fire department restriction and if they had signed off on it, that was it.

Mr. Lemon asked if they were still open for public testimony, noting that he felt they were at a stalemate of some sort. He commented they had done a very good job with what was dealt them. However, there were still some things that might be done a little differently to accommodate one of the conditions of the BDR standards. He directed them to the packet and stated he felt they had a problem with Standard A on the project. The standard speaks of the relationship to the existing surrounding uses, the location, the size, the shape, the height, the spacial and various arrangements of the use and the structures that are compatible with it. Granted, to the public who made testimony there tonight, Metro did not live there. There were, on occasion, items that come before the Board that dealt with urban growth boundary and infill properties. He sympathized with the public, but there were certain things that were allowed by rules and regulations and there was nothing the BDR or the Planning Commission could do about it unless they want to change the zoning. He did think they had a problem. The Board was not in the business of architectural design. But they were in the business of voicing their concerns to the applicants and letting them think about it and come back, not that he was aware something was going to come back. They were not progressing.

The owner stated he had bought the property in 1974 because it was zoned R1, and because of the present use which was a conditional use, he had planned, since that time, to do something that would be conforming to what was allowed there. He felt that between his efforts and the efforts of the planning department, they had made the best approach that was appropriate for this property. If they were to move 14 up, that would provide 12 and most of 13, an excess of 20 feet for the end unit next to the garage. For 14, if they were to move that up 5 additional feet, it would limit them in the front, but it certainly would not ruin the project in feeling like there was openness. They did not want a barracks look and he feared it would be by moving everything up and felt there could be a compromise on 14.

Chairman Williams said they had come up against conditions which were not the best of all worlds. They preferred that the lots on 7th Street were 10 more feet of higher elevation, or that the property did not need to be as high to meet the density. In dealing with problems with density, all they could do was make compromises to help the situation as best they could. Moving 14 helped the one property who had back windows facing it closer than anyone else. It still gave 14 and 15 some offset to allow some windows and this Board did not want to make it an alley any more than any one else did. The size limitation made it a

tough site. As far as what the Board could do to help improve the project for the people who lived there, that was the best compromise they could come up with. They did not have many options.

Mr. Edberg mentioned that USA would consider other types of stormwater best management practices if they could prove there was a need for that. These systems would not require so much area, they could be built underground, and there were different products available that may allow the storm water quality treatment underground.

Chairman Williams stated the Board could list that as an option open to them, they could not solve that right now. The Board would also support some other USA sanction that would allow removal of the water quality area in exchange for a more usable open space. That way, the applicant and staff could look at it and attempt to find a way to alleviate that area.

Mr. Straus wanted to make it clear that people would not buy these places if they were not comfortable with the quality of life defined for them. These units were not amenable to children, people with boats or motor homes. If it were rental property it would actually be a greater problem because they would only be there for a little while.

Chairman Williams asked if there were any further comments or questions.

Mr. Cooper reiterated that staff did review this project with consideration and great care to the residents to the south because of the obvious difficulties of this infill site. The property had been zoned R1 for over 20 to 30 years so the development potential of the property was not unknown. In consideration of the neighbors to the south, staff did consider as a condition, the moving of those buildings and discussed it at length. It was decided against because they did not want to create a tunnel. However, moving the single building, unit 14, seemed an appropriate condition. The only rule of thumb he suggested to the Board that staff used was that they reduce it to 18 or 20 feet. He stated that USA standards do allow for underground treatment for both quality and retention. Whether it was appropriate for the site, it was an alternative theoretically. Parking was a challenge. They had considered it. There are two bus lines that run on Hall to a light rail station, so they do have transit that serves the site fairly well, along with bike lanes. With regard to open space, the newly approved City Park was a very nice open space two blocks away. The garbage was probably something that staff did not consider as well as they should have, so he did not have any good answers on that issue.

Chairman Williams stated the reason he had said 5 feet was because 15 feet would at least allow for a compact car space. Regarding the trash, they have a pick up truck with a big box on the back that comes in and picks up the trash. A phone call to the trash hauler would help resolve the situation.

Mr. Cooper commented that Mr. Gonzalez had brought up the school capacity issue. For everyone's information, the school district sends out the same letter for every application whether it's a low density subdivision or a high density project. At this time, every residential project had this "adverse impact", and as Mr. Sturdevant indicated, Oregon law stated they do not have any legal standing to halt a project based on the inadequate facility. He stated also, that staff was very sympathetic, the City of Beaverton had been working with the school district for years to implore them to catch up on their facilities because there was an obligation to accommodate new residents.

Chairman Williams said he had been on the Board for eight years and that issue on schools had been coming for that length of time. Mr. Lemon stated that a long range planning committee for the School District in Beaverton had just been formed. There would be another \$140 to 150 million bond measure on the November ballot. They were trying to build every four or five years. The Beaverton School District needed an additional \$100 to 150 million just to keep up. The Board was asked if they wanted to make a recommendation about the underground retention system.

Mr. Cooper said that a recommendation did not hold any legal weight. If the Board wanted to see the feasibility from an engineering standpoint, they needed to let the applicant know so they could request a continuance if needed to address the issue more thoroughly.

Mr. Straus asked Mr. Cooper if they could have a condition that would require the applicant to use an underground system in lieu of the one designed.

Mr. Cooper replied that if it were carefully crafted they could do that. It might be possible to say the applicant shall install an underground water quality retention facility in so far as it is technically feasible and that USA would sign off on it and go down a list of criteria.

Chairman Williams reopened the public portion for comment.

Mr. Sturdevant stated he was a licensed engineer. For years he had worked on the design of water quality detention facilities. This particular project did not need detention. The actual water quality facility was a form of detention. It held the water for a certain amount of time, let the sediment fall out and the natural vegetation would provide treatment. As far as the requirements, and working with USA, approximately two years ago they allowed the use of a storm receptor. Which was an underground treatment facility. He had implemented some of those on projects several years ago. The maintenance department said they could not handle them. The City of Beaverton has their own engineering review department and maintenance department. Their only requirement was that they follow the general guidelines of the USA code. USA has dropped the underground water quality facility. There were other methods, the dry detention facility was the best. Another was the water quality swale but the standards that USA have adopted are too stringent.

Staff pointed out a 20 x 70 foot area that had been landscaped quite attractively. The applicant had made a change to the landscaping per the staff's direction had included a mix of native species that were right from the USA list.

Mr. Million had one last comment. Mr. Sturdevant had made a statement that could be construed that Mr. Mendenhall lived on the property. He lives in Wilsonville and is not a resident on or anywhere near that property. Mr. Million appreciated that the Board, visibly, was agonizing over this project. However, issues of paint, trim or pear trees were not the issues. The issue was building a structure next to these homes that Mr. Mendenhall does not want to have look like barracks. The longer unit on the north side and does resemble a barracks whether you move the one or not. The traffic from the day care was certainly gone. The traffic on Tucker would increase tremendously. He drives Tucker a lot, when cars are parked there, cars driving have to pull over to the side and let one pass at a time because it is a narrow street. Access, coming in and going out is not going to be easy and it could cause trouble. To get to the open space for kids two blocks away, they will have to cross Hall. Speeding is a major problem on Hall. St. Cecilia's is across the street. There are signs posted that say private property. They should not be under the impression that it's okay to use that property. He felt Mr. Sturdevant was in error when he stated there was City Parking available in the Community Center. The City does not provide parking for residential neighborhoods. He stated the project was not compatible with the neighborhood. It may be legal but it was not compatible, whether they moved it five feet from his fence or not. It was still a 260 foot long alley, whether they put the trash cans on one side of the alley or on both, the truck still had to come get them and return. He asked "what would happen if nobody bought these", they would be back to renters. He was hoping the Board would consider the negative aspects of this thing. It's an unfortunate piece of property. It would be great if the City would buy it and turn it into a park. Something should be able to be done. They should not be allowed to put these massive buildings with vinyl siding right in the back yard of single story houses. He stated that there are six houses on that block, two of them were here tonight: one was a renter, the second house the people were from the Ukraine: Mr. Houk who lived up the street worked nights; Sheri Foster who lived next to him is incapacitated. So all the people who lived on this street who could be here were there, doing what they could to encourage the Board not to let this go through, along with some other neighbors in the neighborhood.

Chairman Williams told Mr. Mendenhall that, as the applicant, he had the last comment.

Mr. Mendenhall stated the day care had 16 kids plus staff so there was some traffic there, but they would not be getting that much more traffic.

Staff had no additional comments.

Chairman Williams closed the public portion of the hearing.

Mr. Straus asked for clarification on the density requirement, with regard to numbers or units or people. There seemed to be an indication from the applicant that they had to be three stories high in order to meet the density and he was trying to understand that.

Mr. Cooper replied that the Development Code, Section 20.05.80 required that all residential development plans after the effective date of that ordinance of last fall, shall achieve a minimum of 80% of the planned density. In an R1 district which allowed 1,000 square feet minimum, that was high density. In the past if someone owned some R1 density property and built one house on it, that was allowed. Now in response to Title 1 of Metro's urban growth management functional plan, the City has adopted this development code in order to achieve the number of households that Metro rules say they have to. Therefore, what it translates back to on this site was a minimum of 21 units; the applicant proposes 22.

Mr. Straus wanted to confirm that it was a matter of numbers of units as opposed to square footage, rather than height or anything else.

Mr. Cooper stated that there were also conditions of set backs, parking requirements, etc. This was a very challenging site. They were trying to make it as compatible as possible based on landscaping and elevation design, moving unit 14 may help somewhat.

Mr. Straus MOVED, Mr. Edgar SECONDED a motion for approval of VAR99-00019, Mendenhall Townhomes, based upon the testimony, reports and exhibits presented to public hearing on the matter and upon the background facts and findings and conclusions found in the Staff Report dated January 13, 2000, including conditions 1 through 3.

The question was called, the motion CARRIED unanimously.

Mr. Lemon MOVED, Mr. Straus SECONDED, for approval of BDR99-00153 Mendenhall Townhomes, based upon the testimony, reports and exhibits presented to public hearing on the matter and upon the background facts and findings and conclusions found in the Staff Report dated January 13, 2000 including conditions 1 through 27 with the following modification to condition 27:

Condition 27: The applicant shall install single siding with the area contained by the gables on the north elevation of units 1 through 11 inclusive and on the south elevation of units 12 through 22 inclusive.

Condition 28: The front entrance doors of all the units are to be painted individually different accent colors.

Condition 29: The south elevations of unit 16, 17, 20 and 21 shall have the khaki siding materials installed. The bays on the south elevation of units 12, 13, 15, 18, 19 and 22 shall also have the same color material installed.

Condition 30: The entire unit 14 shall be moved 5 feet to the north. The trees on the south property line may be a combination of the specified Chanticleer pear and

English Hawthorne. The trees will be planted in an alternating fashion.

Mr. Lemon stated for clarification that on units 15 through 22, the bay windows were not being accented, only portions of the walls behind units 16 and 17 and 20 and 21. The bays on 1 through 11 get the accent color. 15, 18, 19 and 22 have bays but do not get accent colors.

Mr. Straus restated the condition 29, as follows:

Condition 29: The bays on the south elevation of units 12, 13, and 14 and the bays on the north elevation of units 1 through 11 inclusive shall also have the same colored materials, i.e. kacky white.

Mr. Straus restated condition 28, as follows:

Condition 28: The front entrance doors on all unit doors are to be painted a single solid accent color, a total of four colors will be used for the entire complex.

Chairman Williams asked for any further discussion or questions regarding the revised motion. There were none.

The question was called, the motion CARRIED unanimously.

#### **APPROVAL OF MINUTES:**

Chairman Williams asked for any changes to the meeting minutes for November 18, 1999. Mr. Lemon was excused. He asked if there were any changes, seeing none, he MOVED for approval of the meeting minutes of November 18th, Mr. Straus SECONDED.

The question was called, the motion CARRIED.

Mr. Straus MOVED the question was called, the motion was CARRIED, with Ms. Crane abstaining for approval of meeting minutes from December 9, 1999 with Mr. Lemon abstaining.

Chairman Williams entertained motions for chair and vice chair.

Mr. Straus nominated Mr. Williams and Mr. Lemon for the same positions, the vote was unanimous.

The meeting adjourned at 11:05 p.m.